



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003530  
**Applicant Name:** Todd Walton for Clearwire LLC  
**Address of Proposal:** 1737 NW 56<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Permit to install a minor communication utility (Clearwire) consisting of three panel antennas (3 sectors, 1 antenna per sector), two dish antennas and equipment cabinet on the roof of an existing apartment and commercial building. Existing minor communication utility to remain.

The following approval is required:

**SEPA - Environmental Determination** pursuant to SMC 25.05.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site Location and Description**

The proposal site is a mid block property located at 1737 NW 56<sup>th</sup> St between 17<sup>th</sup> Ave NW and 20<sup>th</sup> Ave NW. The parcel is one block north of NW Market St. The parcel and existing building are within a Neighborhood Commercial zone with an 85-foot height limit (NC3-85) zone. Development on the site consists of a six-story mixed-use residential and retail building with a flat roof. The building is 61' tall as measured from existing grade to the roof parapet.

### Surrounding Zoning and Uses

The project site is located in an NC3-85 zone, which continues to the west and east. A lower height NC3-65 zone is located directly across NW 56<sup>th</sup> from the subject property. Neighborhood Commercial NC3-85 and NC3-65 continue to the south, with a Major Institution Overlay (MIO) south of Market St.

The subject property is occupied by a 6-story residential structure, one of the tallest buildings in the vicinity. Surrounding development consists of older commercial, newer mixed-use and older one to two-story residential structures.

### Proposal Description

The proposed project consists of the installation of a minor communication facility for Clearwire LLC. The facility will consist of three (3) antenna arrays with one (1) antenna mounted on the each array, two (2) microwave dish antennas, and one mechanical equipment cabinet. The antennas are each 35.8" tall x 5.5" wide x 4.7" deep. All three antenna arrays will be mounted directly to the inside of the screening structure frame. Screening would be provided to the top and bottom of the antennas. The proposed mechanical equipment cabinet will be screened by RF transparent panels, colored to match the existing elevator penthouse.

### Public Comments

Public notice of this proposal was issued on January 19, 2006. No public comments were offered.

### **SEPA ANALYSIS**

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated December 1, 2005. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

### Short - term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources.

Overall, these impacts are expected to be very minor in scope and of very short duration during the installation process. No conditioning pursuant to SEPA is warranted.

### Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to hours noted in the Conditions of Approval.

### Long - term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference resulted from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**

#### **During Construction**

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction shall be limited to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M., Saturdays from 9:00 A.M. to 6:00 P.M.

Signature: (signature on file)  
Shelley Bolser, Land Use Planner  
Department of Planning and Development

Date: May 29, 2006